THE M'FARLAND TRIAL.

Continuation of Testimony for the Defence.

Interviews and Conversation with Richardson.

The "Luscious Woman" and the Intercepted Letter.

McFarland Tempted with a Consulship and Ten Thousand a Year to Forego His Marital Rights.

"Could Not be Tempted by a Consulship to the Court of Heaven."

Graphic Portrayal of McFarland's Agony and Monomania.

The deepening interest in the McFarland trial was made manifest yesterday morning by the increased number of people who sought admission to the Court of General Sessions. The character of the weather would certainly have deterred many folks from giving the same eager attention to ordipary legal cases; but the singular nature of this McFarland-Richardson business wiled away people from their customary avocations ed the court room with those who, under less exciting circumstances, would have been quietly attending to their legitimate business. From what might be readily observed by anybody who cared to give the most trifling attention to the subof popular feeling. The case of Sickles is dwarfed into insignificance beside it, and this trial of McFarland has certainly the privilege of claiming to be the foremost domestic tragedy in real life which the century has produced. INTEREST IN THE TRIAL.

To realize the force of this assertion it is only necessary to thingle in the motley crowd that day by day seeks admission to the court room. But if it be necessary to discover other proofs in support of the statement it can readily be found in the general dis cussion of the case by every hearthstone and in every family circle of the city. The annals of nce fail to furaish anything of a parallel character; out perhaps the greatest force, the most formidable point of the case, lies in the argument affecting a theory which has had the ardent support of some of the ablest and most progressive minds

The crowds on the stairways and in the corridors leading to the Court of General Sessions were comlooking people. The trial is not of that complexion which interests solely the mere vulgar mind. features and ramifications of a high order of interest, and even despite the large share of publicity ac a wide share of popular attention.

TRANSFER OF THE SCENE OF TRIAL.

Owing to the necessity of disposing of a large number of cases which have fallen into arrears on the calendar of the General Sessions Recorder Hackett announced immediately after the opening of the court that a transfer of the hearing of the trial In the New Court House building.

A rush from the brown stone to the marble struc-

beneath the dome of the New Court House and up along the capacious steps to the entrance of Oyer and Terminer was as well filled as the vestibute of a popular theatre on a popular benefit night. A great many unsonhisticated people stayed behind in the brown building, persunded that there and there alone the trial would be held. At the new scene of trial the ushers showed than at the old place. They posted themselves quickly at the entrances, and, like sieves, permitted the fine grain to pass through and the course to re-

COMPOSITION OF THE AUDIENCE. filled the entire space of the court room. Outside the raining, which separates the spectators from the press, were counsel, jury and a few score priviliged persons. Three rows of seats to the left were occupied by ladies, two of whom were directly concerned in the trial; the rest were present as speciators, who seemed to feel that certain doctrines in which they were more or less interested were on trial with the prisoner McFarland. To tell the truth, none of the fair observers looked particularly bewitching. Their exact counterparts can b met with any night at a tree love or ultra woman's rights meeting. Mrs. Norton sat at one of the reporter's tables, and was nowise reticent in declaring her admiration for the course which Mrs. McFar.

land and Albert D. Richardson pursued. STYLE OF THE WITNESSES. # Mrs. Mary Oliver, who was the first witness examined yesterday, is a lady of middle age, of troubled, anxious looks, and one with whom the course of existence has apparently been wayward and unhappy. She was affected to tears while giving her testimony, and so was McFarland, who sat in his usual place, facing the jury, with his little son Percy by his side. All the witnesses examined yesterday were singularly free from embarrassment in delivering their testimony. Mr. Billings and Mr. Nones, both of whom gave tolerably strong teatimony to the purpose of proving the aberration of mind under which McFarland was laboring, spoke with a clearness that gave general satisfaction, at least to the audience. Ex-Officer O'Brien was an excellent witness as far as plain and lucid evidence was desired. Young Taylor, though but seventeen, showed no symptoms of embarrassment whatever before the large audience which eagerly watched his delivery and listened to his testimony.

DISAPPOINTED EXPECTATIONS. There was nothing of really very stirring moment in the evidence which was yesterday produced in court. A good many were expecting that Mrs. Calhoun and others belo nging to a school of social ethics which has had a zealous supporter in the journal to which Albert D. Richardson belonged would be produced by the defence; but it was evident at the start that the defence intended to contine itself scrupulously to the task of making it anpear that McFarland labored under an aberration of reason when be shot Richardson.

To this line of defence all the evidence was directed, and few after reading what was stated under oath by those who were on familiar terms with Me Fariand will be apt to conclude that the assassing ne was going accepted to meet a man before the man went to New Jersey.

THE STARS WILL BE OUT SOON.

I said to him, "Don't go down; go with me;" I had hold of his hand, asked him again if he was not unwell; he replied, "No; I must go, for the stars will be out soon."

tion was a sane pre-conception. RICHARDSON'S BROTHER PRESENT. The brother of Richardson was in court up to the tune of taking a recess. He leaned forward on the handle of his umbrella and listened with rapt attention to the testimony offered by the defence. He showed no trace of feeling one way or the other, but sat throughout the proceedings a quiet, earnest and collected observer.

d observer.
THE MOTIVE OF PUBLIC CURIOSITY. THE MOTIVE OF PUBLIC CURIOSITY.

The cloud of newspaper men who occupied the central area of the court room was proof sufficient of what an absorbing subject this trial proves to the entire community. The interest shown by the outside spectators is not so much in behalf of the prisoner—for few or none believe he will be convicted—as in the anticipation that the progress of the case will throw broad light upon certain social dogmas held by a class of people who cannot be ignored as wanting in influence in the intellectual circles of American Society.

when he had so peculiar a look about him as he had on this occasion.

Q. What was his condition immediately preceding the time when you met him on the 25th? A. I was surprised at the condition of the man; he commenced to talk about the suit he had against Mr. Richardson, and his having taken his wine and children away from him; he talked incoherently and he appeared in an abnormal condition of mind.

Q. What judgment have you formed of the state of his mind from that conversation? A. I have not thought the man to be in a normal condition for two years yast; he certainly was not in the same state of mind that he was previous to that.

Q. Were you acquainted with his wife? A. Slightly; she used to bring her children to the office whon she came to meet him.

Q. From their conversation and manners could you form a judgment what their relationships were EXAMINATION OF WITNESSES FOR THE DEFENCE CONTINUED.

Testimony of Mrs. Mary Olliver. Mrs. Mary Oliver, called and examined by Mr. Getty-I am a daughter of the late Francis McFarland, who was first cousin to the prisoner, Daniel McFarland; I remember when my father died; he died on Sunday, the 16th day of September, 1847; took the record of his death from the family Bible.

THE RECORD OF DEATH.

"Departed this life, Sanday, 18th of September, 1847, at 5:30 P. M., Francis McFarland, aged 40 years, months and 22 days."

Father was ill for eighteen months or two years

Testimony of John E. Flint.

Testimony of John E. Flint.

Jonn E. Flint examined by Mr. Gerry:—
Q. Where are you employed at the present time?
A. Westmoreland Hotel.
Q. Do you remember having seen Mr. McFariand on the evening of the 25th of November last? A. Yes, sir; I suppose it was about half-past eight o'clock when I came to the hotel; he came in and asked for a room; he took a newspaper and sat down and rose two or three times; he kept waking about until another gentleman came and they both went in to the room.

up to the room.
Q. Did you observe whether his manner was

until another gentleman came and they both went up to the room.

Q. Did you observe whether his manner was caim or excited? A. Excited; he attracted my attention; I was sitting on the sofa reading at the time; he walked up and down very rapidly; he went out on the steps and came back again and continued to walk up and down until the other gentleman came in, when he went up stairs; he read the newspaper about five minutes; that was after he registered his name; he registered his name immediately on coming into the hotel.

To the District Attorney—After coming in he registered his name, paid for his night's lodging, took up a newspaper and sat down for a short time; he seemed to be waiting for somebody; I did not speak to him; I never saw Mr. McFarland before that night; he was an entire stranger to me; I could not tell the exact time at which he came in; it was between eight and half-past eight o'clock; there was another gentleman present, but I have not seen him since; he was a transient boarder.

To Mr. Gerry—Mr. McFarland came into the hotel about two or three hours after I dined; I did not follow him up stairs nor watch him to his room.

Sylvester S. Mangan, examined—On the 25th of November last I was the proprietor of the Corn Exchange Mills, East Twenty-third street; about that time Mr. McFarland came into my office, I think between eleven and tweive o'clock, just before I went to 'Change; when he came in he askes for Mr. Mangari; I sad I was the genteman and ne then said that he came to see about the assessment of the property; I said that he would get all the information he wanted at 92 Broad street; he did not seem to be satisfied; from his conversation I thought he was either drunk or insane.

Q. What was the remark you made to others about the rationality of Mr. McFarland's conduct? A. His wild, haggard appearance led me to make the remark that he was either insane or in liquor.

Q. Would you swear he was in liquor? A. No, sir; I did not sincil any liquor on his breath; I sat at the middle of the table and he stood at the end of it talking to me.

I did not sinci, any induor on its oreats; I sat at the middle of the table and he stood at the end of it talking to me.

Q. What did he tell you? A. He said he was on assessment business, and that he had come to explain the object of his visit; I do not know wnether my establishment was in the line of his business; I heard he was an appraiser of legacies; I did not treat him with much attention, because I thought he was either crasy or drunk.

Q. Was tilere anything in his manuer that indicated drunkenness; did he stagger? A. No.

Q. What is your judgment as to whether he was responsible or rational? A. My judgment was that he was nothing more nor less than an insane man; he was there about fifteen or twenty minutes.

Q. Was this the day before you read the account of the occurrence in the newspaper? A. I could not sinte exactly; it was either one or two days before.

To the District Attorney—I cannot give all the con-

To the District Attorney—I cannot give all the conversation which occurred between Mr. McFarland and myself; he said he was an officer and came upon assessment business; I understood him to refer to the real estate; I think he had either a paper or a book under his arm; he did not present it to me; I told him togo to 92 Broad street, because the executors, Edgar D. Manning and W. J. Lawrence.

rence, were there; there was another gentleman with Mr. McFariand, but I do not know who he was. To counsel for the prisoner—Mr. McFariand was so irrasional that I paid bim no attention.

Testimony of William J. McGrath

William J. McGrath called and examined by Mr. Gerry—Am clerk of the Court of Police Sessions.

THE CERTIFICATE OF INSANITY.

Witness produced the book of records of commitments or the Court of Police Sessions for the year 1847; there is an entry here referring to one Francis

certificate:

Marcus L. Taft, 26 East Broadway, physiciac, and Lyman Fisk, of 170 Decancey street, being duly sworn, secerally say that Francis McFariand is insane, and is so far disordered in his senses as to endanger his own person or the person or property of others, if permitted to go at large. That they have personally examined said McFariand, and are satisfied that he is afflicted with such a vitiated understanding or already of mind as disables him from judging correctly between good and evil, or of the consequences of his acts, amounting to an absolute disposession of the free and natural agency of the human mind.

MARCUS L. TAFT, M. D.

LYMAN FISK, M. D.

Sworn before me this 15th day of June, 1847—J. W.

DEINKEE, Police Justice.

O. What disposition was made of Francis McFar.

Sworn before me this 15th day of June, 1847—J. W. DRINKER, Police Justice.

Q. What disposition was made of Francis McFarland on that certificate? A. He was committed to the Lunatic Asylum, Brackwell's Island.

CROSS-EXAMINED.

By District Attorney Garvin—Q. Any memorandum there indicating when McFarland was discharged from the asylum? A. No; it would not appear here; that would be on the records of the asylum; there would be a warrant of commitment sent with him in the charge of the onlicer accompanying him.

him.

Testimony of R. C. Styles.

R. C. Styles, physician, testified that he was Assistant Sanitary Superintendent of the board of Heatth et the city of Brooklyn; that there were no records of deaths in that city previous to 1850.

Not cross examined.

Testlmony of John E. Billings.

will be out soon."

Q. What were his manner and appearance during this conversation? A. He was very pa'e and his eye was glassy; he looked sorrowful, as though he were under a very heavy pressure.

Q. From what you saw or him did you form any judgment as to his rationality or irrationality at that time? A. Two years previously I had seen him under great excitement, but I had never seen him when he had so peculiar a look about him as he had on this occasion.

before his death.

Q. In what terms did he speak of them? A. They were irequently talking about them, and he spoke of the education of his eidest boy and how much he had spont upon his education, and that it was the best education he could give him.

Q. Did you ever hear him express himself in reference to his wife? A. I remember on one occasion, about the time they moved from Yonkers to New York, we had some conversation; he said that he could not bear his wife and children to be out of the city; he must be where he could see them every day, and not have to go up and down on the cars.

Q. Do you remember seeing Mr. McFarland in your office after September, 1867? A. He had been absent about certain proceedings in reference to his children; he came into the office and sat down in the chair and Q. Tell the jury how your father's disorder came on, how it commenced and now it progressed to the end. A. Two years before his death he was alling: he took fits of crying and melancholy; he did not attempt violence to any one but hi mself: he dri attempt violence to himself; he often tried to strangle himself; his spirits were very depressed; he often

COMMENCED CRYING:

I asked him about his wife and children; he said that a man by the name of Richardson had stolen his wife and children and taken them into Massachusetts; he was trying to get the children back; that was about the 27th of March, 1867.

Q. He was then applying to you for an affidavit to be read on these proceedings? A. He said he should want one; he would look backwards and lorwards along the room and put his hand to his head and say,

"MY GOD! OF MY GOD! W. sent to the insane asylum; we were compelled to send him to the asylum, because he got so desperate that we could not manage him; accompanied him to the asylum; he was sent there by order of Dr. Wood; saw him twice daring his confinement; he was put in a strait jacket; on the occasions that I saw him in the asylum he was very violent and desperate; he remained in the asylum a couple of months; about that time he got helpiess; he became paralyzed, and as he could not do any harm to humself we took him home; we could then imanage him at home; he lived but a short time after he came out of the asylum; watched him during his last liness; he was very violent and desperate, biting his fiesh and grawing his shoulders.

Q. Did you previous to the coming on of these attacks know of your own knowledge the existence of any trouble calculated to cause this nervousness and irritability? A. Nothing but a trifing loss of money; he was always inclined to be insane; he was desperate at times and quarrelled with his best friends.

Q. Did he exhibit acts of violence towards those who visited the family? A. He was always inclined to be insane; he was desperate at times and quarrelled with his best friends.

Q. Did you observe any peculiar contraction about the mascles of the mouth? A. Yes, he lost the use of his tongue, was incoherent in language when he did speak, and we could not understand what he said; father was a strictly temperate man in his habits; never e-infered from any blow or injury to his head previous to the coming on of the disorder. attempted suicide; this was previous to his being sent to the insane asylum; we were compelled to

say, "MY GOD! OH, MY GOD! MY CHILDREN!
what have I done to have my children taken away
from me? I love my children, and love my whie;
oh, my God! and they are tar away from me?! I
tried to caim him down, and I found that I could not
do it; he did not seem to pay any attention to what
I said; I thought him in that state of mind that
rendered him incompetent to pay any attention
to me.

rendered him incompetent to pay any to me.

Q. Did he aver say anything to you about not desiring to live if he could not have these children?

A. On one occasion he said, "I would rather be in my grave if I cannot have my children restored to me.
Q. Did you ever hear him reser to another man having control over his children? A. He said when he thought of any other man besides himself

having control over his children? A. He said when he thought of any other man bestides misself octing

FAFHER TO HIS CHILDREN,
and those children not having a father and mother, what a position it was for them to be placed in, and when he thought of it it made him wild; this was in 1867; he sliways said that he would recover his children, cost what it might; he said that to do this he had spent all his money and had borrowed about three or four thousand dollars; he told me that his attorney advised him to commence a suit for crim.

con. for damages against Richardson for taking away his wife; his object was to show to the community that this Richardson was a libertine and a thier; his was about March, 1867; I felt his puise at that time, and found it to be about 116 or 117, and he said that it had been so for about four months; he said he could not sleep and he did not wan to sleep; he came one day with the copy Percy and said he was going to have the other boy by and by.

Did you see him in September, 1863? A. Yes, on Waverley place; he then looked very pale and than and related his family grievances again; I thought the excitement he was unner would kill him.

CROSS-EXAMINED.

By Ex-Judge Davis—Q. At what time was the crim. con. suit commenced? A. It was commenced think in 1867; I can't state positively about that; don't remember anything definite as to the date; it was after he stated that he had instituted proceedings to recover his children in Massachusetts; I think it was about the first of 1868 that he told me that he had commenced the sait; understood him to say that Judge Sainford was one of his attorneys in the habeas corpus case in Boston.

Q. What was his business during the interval between March, 1867, and his meeting with Richardson? A. He was in the assessor's office; I think; I don't remember under whom, though; he was also employed in the Custom House; I think he told me on one occasion that he was in the sacessor's office; in cannot tell what his particular business was; at the time he came t FATHER TO HIS CHILDREN,

God, my children," I didn't think it was ordinary conversation.

Redirect—In that last interview I noticed his nose twitching and his eyes always rolling; he spoke in his previous conversations about his thoughts continually drawing to it; he could not let it rest; he told me he had been offered

TRN THOUSAND DOLLARS AND A CONSULSHIP to settle the suit, but he said, "Do you suppose I'd take it? that's not what I want;"

THE INTERCEPTED LETTER
he partly read to me and then gave it to me to read; his color in those conversations would change from crimson to pale, and his eyes from natural to wild and abnormal; I never knew him to be under the in-

ce of drink; I never knew him to be under to ever detected it on him. is closed the examination of the witness. Testimony of Joseph E. Nones.

nuence of drink; I never detected it on him.

This closed the examination of the witness.

Testimony of Joseph E. Nones.

Joseph E. Nones was next called and examined and testified as follows:—Am a notary public and commissioner; am a licensed lawyer since 1827; was in the navy with Ogden Hoffman and sailed with Admiral Decatur in the expedition against Algiers, Tunis and Tripoli; made the acquaintance of Daniel McFarland about the middle of May, 1837, since that time till within a few months have been very intimate with McFarland; in May, 1837, was introduced to him by Judge Sanford, who had been appointed by the Supreme Court of Massachusetts to take evidence in the McFarland habeas corpus case; saw McFarland on the 26th November, 1869, at my office, 262 Broadway, at about fifteen minutes before five o'clock; I fix the exact time from the fact that immediately after he quitted the office I went with my clerk to purchase some goods, and when I got to Ann street they had to light the gas in the store to enable me to examine the goods.

Q. What took place in your office after Mr. McFarland came in? A. I was at my desk writing when he came in; he was then is an extreme state of excitement—in a perfect state of frenzy; I looked at him and asked him what was the matter; he placed his hand on his head and exclaimed, "My God! my God! what do you think?" I again asked what was the matter; he said, "My wife has divorced herself from ine, and fitchardson has married her, and they are now living together in New Jersey, and are going to California; Pil go home and kill myself." I tried to calim him, and reasoned and expostulated with him, but it was no use; I could not get him to listen to me or to understand me; I advised him as he walked up and down the room in this distracted manner to appeal to the law, and to go to New Jersey and take out an excat before he started for San Francisco; he said he knew no one there who had money and that whith reference to money that would be made all easy for him; he said he could not Testimony of John E. Billings.

John E. Billings, sworn, testified—I reside in the city of New York; I am an attorney-at-law, and have been for fifteen years; I know Daniel McFarland, the prisoner at the bar; nave known him ever since the fall of 1859; I think he was engaged in the real estate business in Wisconsin at that time; I saw him in the year 1863, and between 1859 and 1863; I saw him quite often; I remember when he was made a Commissioner of the Tenth Judicial district; he was then in Broadway; I knew him to have held that office since its organization in 1865; he had a desk in my office from spring of 1865 to 1867; the building was torn down and a new one built, and previous to this he left the office; I saw him on the 25th of November, 1869, near the New York Hotel, on Broadway, on the same side; it was about twenty minutes to four o'clock in the afternoon; I was going up town and he was going down; about three or four yards before I came up to him I noticed he looked somewhat different to what I had been in the habit of seeing him; I said to him, "Mac, how do you do? What is the matter with you? You look very strange, Have you been sick?" He repiled "No," I said, "Where are you going down town now?" He said he was going down to the Park House, where he expected to meet a man before the man went to New Jorse.

vitnesses.
Q. While this commission was being held did you ce him every day? A. I would sometimes see him our or five times a day when I was taking the depo-

four or five times a day when I was taking the depositions.

Q. From the opportunities you had of observing him during the period of your taking these depositions, state to the jury what judgment you formed as to his rationality or irrationality and upon what tacts you based that judgment? A. I have looked on him ever since this separation and the removal of his children as a madman; I never since considered him as anything better.

Q. In the conversations that he had with you during the taking of these depositions of those witnesses to what subject would he alinde—to what subject would he alinde—to what subject would he direct his conversation? A. He takked on the subject of his wife and children and ionishly leaned to the belief that he loved his wife; he loved his children devotedly, and would state that his mind was destroyed on account of the separation.

that his mind was destroyed on account of the separation.

Q. Did he ever refer to the circumstances under which he had been deprived of his wife and conderen, and if so what would he say on that subject?

A. He always said that he had been deprived of his wife and children through the machinations of Richardson, the deceased.

Q. Did you observe on these occasions the appearance of his eyes? A. I observed his general appearance; his general appearance in the second during that time.

that he was a man chirrely bereft of reason during that time.

Q. What did you found that opinion on? A. From his convessation, which was irregular, wild and irrational; I siways remarked his inconerncy, and that he always harped upon the one subject; it was upon this conduct I based my opinion.

Q. Did he keep harping on this subject—the loss of his wife and chidgen—to the extent of boring you?

A. Yes; I frequently reproved him and tried to turn his mind from these subjects.

Q. Did he say anything to you about his inability to control the tendencies of his mind? A. He always said that his mind was distracted, and he would say he wished to God that he was dead, and he has threatened to go home from my omice and kill himself; I do not know but that if I had not restrained him he would have done so; he always spoke of his wife most affectionately, and I told him that I thought he was a tool for doing so. (Suppressed approbation throughout the audience.)

Q. How did he speak with reference to his children? A. He always spoke of them in the most affectionate manner, and said It would be the death of him if he was deprived of their possession, and ne always said he was determined to have them if possible, in any shape or manner.

Q. Was there ever any change in the subject of his conversation? A. No; he was always harping upon his children, and I am satisfied that as he was getting older he was getting worse on the subject.

Q. Do you remember the time he got back the boy Percy? A. Ido.

Q. Did he alter he got Percy back have any conversation with you in reference to his intentions about Danny, the younger boy? A. Yes; he always expressed a determination to get him if he could, and that he would leave no means untried to effect that object.

Q. From the first time he spoke of his resolution to each other? A. They were always very affectionate; she generally brought little Percy with her, and if McFarland were not in she would wait for aim; when they met they would salute each other and call each other "My dear" and "Parling."

Q. Did he ever have any conversation with her when the children were not present? A. Oh, Certainly.

Q. In what terms did he speak of them? A. They were frequently talking about them, and he spoke of

that object.

Q. From the first time he spoke of his resolution to get his younger boy back was not his mind mostly drawn to that subject? A. Yes; mostly on that Sub-

Q. Did he ever speak to you on the subject of having that boy back even though he might be unable to recover his wife? A. Oh, yes, certainly.

Q. Did he ever say anything to you as to Richardson depriving him of his children? A. Yes; he told me that he had no doubt but that Richardson was at the bottom of hi; that he was aiding and supporting her in her conduct, and that it was Richardson's money that was fighting him.

Q. Did he not express the belief that his wife would return to him but for Richardson? A. Yes; and that was his foolish better.

Q. When did he express that belief? A. Shortly after I became acquainted with him.

Q. How many conversations had you with him from the commencement of your acquaintance with him to the close? A. I could not tell; they were innumerable,

him to the close? A. I could not tell; they were innumerable,

Q. Did he in these conversations say anything
about his inability to sleep? A. Yes; he told me he
did not sleep one single night in a week, his mind
was so distracted and his brain on fire.

Q. Did his appearance indicate that in saying so
he told the truth? A. Most undoubtedly; he looked
just like a man deprived of all sleep; I never saw a
man look as he did.

Q. Did he not make allusion to his inability to eat?
A. Not that I remember.

I don't think any one in his honest mind could have acted as he did; that was my honest judgment at the time.

Cross-examined by ex-Judge Davis—I can't say that he made any reply to me on the 25th; he bowed; where I met him was a block below the New York Hotel; it was about the fore part of March, 1867, from the 7th to the 10th, before the middle, that I noticed his conduct; I spoke to him on business; his duty was to make an entry of involces of goods to be examined (Mr. Mykham examined at some length on the course of business in the office; at times these duties are sufficient to keep a man pretty busy; at first he performed his duties very well, but later so badly that it was said he would have to vacate the post; I myself spoke to Mr. Marsh about it; he would he working his fingers and looking at them white ne was talking.

Re-direct—I had conversations with him at the office and elsewhere; he was ill in the summer of 1867, and, as I understood, had to go to the country for his health; he was absent from the office some weeks and came back apparently better; I should think after September, 1867, he did not change much; sometimes he was a little better; sometimes worse; his conversation was always the one thing, so much so that sometimes I tore invaeld away from him; he came to Mr. McErrath's office a number of times after December, 1867; the possession of his boy seemed to me to have a very silly effect; he introduced him to me half a dozen times over; he was very enthusiastic about the boy; he hands.

To ex Judge Davis—I knew Mr. McFarland before he went to the office; he was not nervous in his Q. Did he not make allusion to his mability to eat?
A. Not that I remember.
Q. Did be not refer to the idea of another man having control over a child of his? A. He frequentity told me that he was determined to have the control of his children, and that none but himself should be the father of his children.

THE LUSCIOUS WOMAN PREASE.
Q. While these depositions were being taken by you in June. 1867, did you have any conversation with Richardson on the subject matter of the proceedings?

you in June 1857, did you have any conversation with Richardson on the subject matter of the proceedings?

Objected to as incompetent. Question admitted.

A. Yes, on the 7th of June, the day of the examination of Richardson, and after I had got through with his examination; no other witess being then ready for examination he sat upon a sofa in the office and I then had a conversation with him on the subject: we spoke on the subject of Mr. McFarland and the children, his position and connection in the matter and so forth; he stated to me that he could not help it; that she should never love her husband again; that he would have her divorced, and as soon as she was divorced that he would marry her; I at that time asked what kind of a woman Mrs. McFarland was, and he asked, "Have you never seen her?" I replied, "Never;" "Well," says he, "she is an intellectual, lovely woman;" he made use of the expressions which I cannot now state; he said, "rather very luscious woman," or "a very voluptuous woman"—one or other of these phrases; I said I was very sorry to hear him express such a determination; he said, "I cannot help her; if you saw her you would say the same."

THE EFFECT ON M'PARLAND WHEN INFORMED OF RICHARDSON'S WORDS.

Q. Did you repeat that conversation to McFarland?

THE EFFECT ON M'FARLAND WHEN INFORMED OF RICHARDSON'S WORDS.

Q. Did you repeat that conversation to McFarland?

A. Yes, I did on the day following in my office.

Q. What effect had the repetition of that conversation on him? A. Such was the effect that I was immediately sorry after it; he went on like a madman, cried like a child, wet his head, pulled his hair, in fact I did not know what to do with him, and I thought of ordering a carriage and sending him home.

home.

Q. Did you not have to postpone his examination at the time on account of an inability from the condition of his mind to give evidence? A. Yes; for some months he was in such a state of mind that I

at the time on account of his minity from the considition of his mind to give evidence? A. Yes; for some months he was in such a state of mind that I could not trust him on the stand.

M'YABLAND THREATENS SUICIDE.

Q. Did he ever tak to you about committing suicide? A. Yes, frequently, and I used to reason and moralize with him; told him how weak and foolish it was to talk so; but I might as weil have talked to the winds; he went on as any fool might go on.

Q. Can you tell the jury of any one occasion between the first conversation you had with him and the 25th of November, when he was perfectly right in his mind? A. I can not; I don't think he was perfectly right in his mind even on the day I put him on the stand to testify; I was almost afraid to trust him on the stand; but I was compelled to go on as I could not longer delay the case; I had to send the testimony to the Supreme Court of Massachuseus, where the case was being tried.

The Court took a receas.

After Recess. Mr. J. B. Nones, cross-examined by District Attorney Garvin.—Examined the witnesses under a commission from the state of Massachusetts, under a habeas corpus there pending in regard to the custody of the children; all the witnesses were privately examined.

Q. Mr. Nones, will you state how the depositions were taken? Were they read by you to the witnesses or did they read them? A. I read the testimony distinctly to each witness, and they signed their names.

names.

Q. In regard to the testimony of Mr. Richardson, how was that taken—question and answer? A. Sometimes one way and sometimes another; the commission given to me contained interrogatories, and I confined myself to those interrogatories, a. I understand you to say that McFarland, on the 25th of November, spoke of Richardson going away? A. He spoke of Richardson having obtained a divorce and taking his wife to Jersey City, and of his going to Catifornis; I don't think there was anything said about taking the boy with him; but he mentioned acout selling his property.

To the District Attorney—On the evening of the 25th he came in raving like a madman.

To the britte Attorney—on the evening of the 25th he came in raving like a madman.

Testimony of James Taylor.

James Taylor examined—I reside at No. 11 Fourth avenue; I am employed as a clerk by the last witness; I am seventeen years of age; was employed by the last witness; I am seventeen years of age; was employed by the last witness; I am seventeen years of age; was employed by the last witness on the 25th of November last; I saw Mr. McFarland on the evening of that day; as near as I can recollect it was about lifteen or twenty minutes to five o'clock; he came into the office and stated that he had just learned from Richardson that he had just learned from Richardson that he had just learned from Richardson that he had obtained a divorce in Indiana and that Richardson and his inference of the last property in order to go to california or oregon, I don't know which; ar. McFarland remained there about seven or eight minutes; he sat down a few seconds and jumped up again, looking ike a madman; I did not hear him repeat anything to himself, but I noticed that his lace was very much flushed; the expression of his eye was strange; thad a blank stare, as if he did not know what he was looking at; he remained there altogether about ten minutes; he must have sat down and rose again about three or four times; he walked around the office very often.

Q. What judgment did you form of his manner as to whether it was rational or irrational? A. Well, I did not know what to make of him; I had an impression he was out of his mind.

Q. But on this particular occasion what judgment did you form as to whether he was in or out of his mind? A. I should say he had been waiking very rapidly.

Q. Had you ever seen him so much excited as he was on that day? A. No, sir.

Q. Did ne have any conversation with you on this occasion? A. Yes, sir; he generally spoke about his wrongs; he did not then say anything about the boy Danny; I saw him after he got over his slokness—the smallpox—in the spring of 1869.

Q. When he cause in on this oc Testimony of James Taylor.

Mr. Nones very excitedly concerning the loss of his wife.

Q. Did he have any business in your office or did he come in simply to talk? A. Simply to talk.

Q. He was treated very tenderly? A. Very tenderly.

Q. Did you notice that he cried on this occasion?

A. Yes.

Q. How recently before the 25th of November? A. Isaw him crying on that day.

Q. When you saw him cry were the tears copious? describe how he cried. A. He generally made no noise, but the tears flowed copiously.

Q. Now, could he be got to talk on any subject except the one mentioned? A. I never heard him talk upon any other subject.

Q. Did you ever make an effort to get him to talk upon any other subject? A. No. sir, I did not.

upon any other subject.

Q. Did you ever make an effort to get him to talk upon any other subject? A. No, sir, I did not.

Q. Did you ever hear him say anything about Richardson rulning him? A. I did, sir, repeatedly.

Q. Did you hear him say anything upon the subject on the 25th of November? A. Yes, sir.

Q. What did he say on that occasion about the matter? A. He said Richardson had robbed him of his wife and had stolen his children.

Q. Did you ever hear him talk of suicide? A. Yes, I neard him talk of it at different times.

Q. How long ago was the last time before the 25th of November? A. I should say a few weeks.

Q. Did he say how he would kill himseit? A. He said he would blow his brains out, and at another time he talked about taking landanum, to put an end to his miserable existence; he said his family was broken up, his home was gone and that he had no desire to live.

Q. Did you endeavor to dissuade him from his purpose? A. Mr. Nones told him to keep a stout heart, and I made a boyish remark for him to keep a stiff upper lip.

Cross-examined—Remember the 26th of November seeing McFarland come down Broadway; hearing him mention that Mrs. McFarland had procured a divorce from him; had no means of fixing the time, but think it was about half-past four in the evening.

Re-direct—Mr. Nones advised him to go to New

evening.

Re-direct—Mr. Nones advised him to go to New
Jersey, and promised him a letter of introduction to
Chancellor Williamson, and that he needed no

means immediately for the purpose of getting the required legal advice from him. PERRY'S THIRD TRIAL.

> The Murder of Night Watchman Hayes.

means immediately for the purpose of getting the required legal advice from him.

Testimony of Merritt Mykham.

Merritt Mykham examined—I am an examiner of merchandise; I was so in 1865; I have known McFarland about six years; I saw him November 25, about half-past four, near Fourth street; I was with my wife; I observed that he was very much excited; he had a wild look in his eyes; his hands were working; I think I have seen men on several occasions as excited within two years; his eyes were very wild; I saluted him, bowing, and saying, "How are you, Mac?" he passed me rapidly; he had been in the same office with me; he came there in January, 1851; he left about the last of September; I understand ne was removed on account of his mability to attend to his duties; he appeared as usual to March, 1857; then I noticed an abstracted manner, and he would be talking to his fingers; sometimes he would mutter incoherently; I could not understand what he was saying; he would sit a long time unmoved and unconscious of what was passing around nim; he would have to be repeatedly spoken to; these symptoms continued after September, 1867; I had several conversations with him; he talked mainly of his children—to bring them up was the sole desire of his life; he spoke affectionately of his wife; I judge these appearances could not have been produced by liquor; I don't think any one in his honest mind could have acted as he did; that was my honest judgment at the time.

Cross-examined by ex-Judge Davis—I can't say Desperate Efforts of Prisoner's Counsel to Obtain Another Postponement-Judge Barnard Decides that the Trial Must Proceed-A Day Consumed in the Em-

panelment of a Jury.

Edwin Perry, the alleged murderer of Thomas Hayes, a night watchman at Harbeck's store, Furman street, Brooklyn, was arraigned for trial a third time in the Kings county Court of Oyer and Terminer yesterdar morning. Judge Barnard and

When the case was called, John H. Bergen, of counsel for defence, applied for a postponement on the ground that the senior counsel, Mr. Chas. S. Spencer, was absent, being engaged in the McFariand case. Mr. Bergen, in support of the application, read a letter addressed o Judge Barnard by Recorder Hackett, setting forth that Mr. Spencer was engaged in the McFariand case and that his absence from the court might cause injury to his client's interests. Mr. Bergen siso read an affidavit sworn to by Mr. Spencer himself, setting forth among other things that at the last term of the court he had requested the District Attorney we fix a day for the trial during that term; that the Dis-

not try Perry that term.

Mr. Bergen then said:—We were ready last term Mr. Spencer was then at liberty to try the case, and he asked the District Attorney to fix any day during that term. I do not feel that it is right to place upon me the responsibility of going on with this case alone.

DISTRICT ATTORNEY MORRIS

had a very nervous, excitable twitching of the hands.

To ex Judge Davis—I knew Mr. McFarland before he went to the office; he was not nervous in his manner when I first met him; I was a witness in the proceedings in habeas corpus brought by Mr. McFarland.

Counsel desired to examine the witness in reference to the testimony previously given by him, but not having the original deposition the discussion of the question as to whether such evidence was admissible was postponed till this morning.

THE PERRY MURDER CASE.

Mr. Spencer here arose and addressed the Court, stating that he had just received information that in the Perry murder case he would be compelled to attend in the county of Kings. He had already tried it twice and upon each occasion the jury disagreed. The case had ocen forced on, knowing that he was engaged. His client was a man with a wife and five children, of whom he had not been robbed; but although he was obliged to leave he had every confidence that the interests of Mr. McFarland would be perfectly safe.

perfectly safe.
Senior counsel said he was sorry to part with his colleague, but necessity required it, and he should be dispensed with.

TEDDY G'RYAN.

Continuation of the Examination.

At the Yorkville Police Court yesterday morning

Mrs. Freligh's cross-examination-in the case of

Teddy O'Ryan-was continued from Friday, Witness testified that she did not know how long she

remained at 54 Houston street; she asked Mr. Ryan to go to Mrs. Moore's, in Forsyth street,

between Rivington and Stanton streets (the

oner said, "Let us go down here;" Mrs. Moore occupies only apartments in the house in which she lives; when she and the prisoner went to de Rivington streat Mrs. Green conducted them to a room in the second story, front: Teddy then ordered some drink, that is, after they had entered the room; she drank half and then put it down, but he told her to hurry up and drink it off; after drinking the liquor, which had a very peculiar taste independent of the liquor, which was either brandy or whiskey, she lost all consciousness, and only recovered at four o'clock on the 6th—the following morning; she was then lying on the bed with her clobbes on; she missed her jewelry, and called for Mrs. Green, but could get no answer; the room door was unlocked; there was one other person whom she had seen who looked to ner like Teddy Ryan, the prisoner, but she could not swear it was him; that was at the examination in the Tombs, which took place there some time ago, when one of her rings was found in the possession of a Broadway jeweiler; Mrs. Green told her when she went with her up to the room to take care of ner diamonds, but witness told her it was all right.

Witness' counsel here questioned his client, hav-

care of her diamonds, but witness told her it was all right.

Witness' counsel here questioned his client, having received permission from the court. Mrs. Freigh stated she went with Mrs. Yale, Teddy and her copnew to a Mrs. Hoy's, where she had supper; Teddy insisted upon her taking some liquor, which, however, she declined; she then took some soda, which had the same peculiar taste as the brandy she had drank at Mrs. Green's; her cars feeling sore. Teddy advised her to take her earrings off, which she did and put them in her handkerchief; he then asked her the value of her jewelry.

Mrs. Freigh then left the stand and her counsel asked for an adjournment. The request was granted and the case was adjourned until Monday next.

L'OUOR DEALERS IN COUNCIL.

They Propose to Defend Themselves in the

Courts-A Defensive League Formed-Ap-pointment of Officers, Committees, &c.

Yesterday afternoon, at three o'clock, a large number of importers and wholesale dealers in

wines, liquors and grocertes assembled in the Mer

chants' Exchange, No. 52 Pine street, for the pur-

pose of effecting a permanent organization. Mr.

No. 105 Front steet, took the chair and Mr. W.

E. Booraem was elected Itemporary secretary. The

chairman then stated the object of the meeting to be

the formation of a league for mutual defence against oppressive action by irresponsible government officials and the federal and State government. He

number she did not know), but the

oner said, "Let us go down here;"

said that he had notified Mr. Spencer more than a month ago that he would move the case at the comformed him that he was engaged in the McFarand trial; that he expected it would come on on the first Monday of this month; that all he had to do in that case was to make the opening speech, and that he could then leave. On Tues day last Mr. Spencer wrote him a note, saying that he feared then that the McFarland case would not be opened that week, and he might therefore have to ask for one or two days' delay. Mr. Morris wrote back to Mr. Spencer, telling him that he would move the Perry case on anyhow yesterday morning, and that if

that if

THE M'FARLAND CASE
was opened he would understand that the arrangement was that this trial should proceed yesterday. The McFarland case was opened on Friday. Mr. Morris did not see how the interests of McFarland would suffer in the hands of the remaining counsel.

Mr. Bergen thought he had presented a legal excuse.

cuse.
Judge Barnard said that inasmuch as Mr. Spencet had agreed upon yesterday, he did not think the excuse sufficient to warrant a postponoment.
Mr. Beigen thought that Perry could not have a fair trial.

fair trial.

Judge Barnard said that if there was any suggestion that this defendant could not have a fair trial he would like to have it made manifest.

Mr. Bergen explained by Stating that he did not think Perry could be properly defended in Mr. Sencery's absence.

Spencer's absence.

Judge Barnard offered to assign the ablest counsel.

District Attorney Morris said that he should not have urged the case on had it not been for the arrangement mentioned. He was satisfied, however, that Mr. Spencer could and would attend.

Judge Barnard decided that the trial must proceed, and the empaneiment of a jury was thereupon commenced. commenced.

The court room was crowded with spectators, and when his Honor announced his decision consider-

when his Honor announced his decision considerable

SURPRISE WAS MANIFESTED

among the friends of the prisoner, who were consident that the case would be postponed.

A great deal of difficulty was obtained in securing a jury, and it was not until twenty minutes to four o'clock that the required number was obtained. At haif-past three o'clock

MR. SPENCER APPEARED

in the court room, having arrived from New York during the examination of the last juror. The fail jury having been secured Judge Barnard was about to caution them previous to the adjournment of the court when Mr. Spencer arose and in an address of some length urged for a postponement until next Monday, stating that his intimate knowledge of many of the facts in the McFarland case made it necessary he should be permitted to continue in that defence, provided he could do so without detriment to Perry's interests. The jury his doeen drawn, the remaining panel could be dismissed, and the witnesses and jury in this case could be notified to appear on Monday. The interests involved in the McFarland trial were the interests of every home circle in the land.

THE TRIAL MUST PROCKED.

Judge Barnard said that they must proceed with the case this morning. The question of postponement had already been fully argued, and his Honor

dispensed with.

Testimeny of Ex-Policeman Joseph O'Brien.

Joseph O'Brien called and testified that in last November he was a policeman in the Fifteenth precinct; on the night of the 24th he was on any from eleven to three in the morning of the 25th, shortly after twelve; he took off his hat, raised his hand and said:—"O'Brien aid you hear the news? That RUFFIAN, RICHAEDSON.

Is going to marry my wife and take my child to Kansas;" he said, "They have even changed the name of my boy Danny;"he stayedgwith me nearly till I was relieved; he had often walked with me since the summer; my post when I first met him was from Eighth street to Macdongal, to Bleecker, and the Sixth avenue round and round; he would walk with me round and round, and after my post was changed he would walk with me round and round, and after my post was changed he would walk with me round and round, and after my post was changed he would walk with me round and round; he would walk with me on the new post; he always talked about his troubles; I tried to get him off the subject, but he would not change; he walked at least fifteen nights; some inclement; he would be dressed these nights such till, he seemed regardless of the weather; one rainy night in September, when I had my olicloth ou, he walked without an umbrelia; he told me one night he was offered a consulsain to Cork and \$10,000 to give up his wife and child; I told him he was foolish—I would give up such a woman for ten thousand cents; he said, "O'Brien, I would not give up my child for a consulsain to Cork and \$10,000 to give up his wife and the first to the Court of Heaven." (Sensation.)

To District Attorney—I met him first one night in summer, after twelve O'clock; he spoke first to me; he opened that first, conversation; told me who was and where he boarded, and his family troubles, and I a perfect stranger; after that he walked with me occasionally; I was; shifted to the post higher up; I met him after that; the last time I met him was on the morning of the occurrence; is when he the case this morning. The question of postbone-ment had already been fully argued, and his Honor did not think that the public interests would permit any delay for the reasons stated. The jury had been any delay for the reasons stated. The selected and the witnesses were subp reading or talking about the case, after which to court adjourned until this morning at ten o'clock.

JAPAN

and Rejoicing-An Officer of the Oneida

New Year Festivities by the Natives-The First Tea and Silk-Visits of Compliment

After His Rescue. YOKOHAMA, Feb. 3, 1870. For the last two days the native new year excitements have been at their height, and have not been at all unlike the Jours Gras in Paris. Every house in the Jawanese town is decorated with trees and boughs, straw fringes, long paper streamers, fans, raise an "itchiboo" has on a perfectly new suit of clothes, and even the poorest coolies have spotless white stockings. The girls and children wear fantastic red and vellow sashes and scarfs, and fill the streets, flying curious kites or playing battledor and

To-day they are carrying the first ten and silk of the new year in triumph through the streets. They visited us, of course, and received benefactions:

visited us, of course, and received benefactions; after which they tossed the fat Chinese compradore in a bianket, and departed radiant.

To-morrow the saturanila ends and I shall be thankful. I was afraid at night of fires, but I behave the people are all tired out and unconsclous by nine o'clock, and the stillness of the last Iew nights has been unbroken.

To-day we had at breakfast a young officer of the Oneida, who sank with the ship and was dragged into a boat as he rose again. He is shaken and weak, as you may fancy. The evidence takes curious turns. There are Englishmen who swear that Captain Eyre reported, on arriving at Yokohama, that he had "cut the stern off a Yankee ship, and it served her right for getting in his way," and the Captain swears that he "never said or thought such a thing, or dreamed that he had done any harm."

BROOKLYN INTELLIGENCE.

A suit has been commenced on the part of the United States against the Brooklyn City and Hunter's Point Railroad Company to recover \$10,000. for alleged violation of the revenue laws in having failed to return to the assessor the amount of their gross receipts from September, 1868 to July, 1869.

William McGinness was taken into custody on Sunday night by the Forty-second precinct police on a charge of highway robbery. James Knox, the complainant in the case, who resides in Cliff street, New York, accused the prisoner with assaulting him and attempting to rob him of his watch while passing through Gold street. The accused was ar-raigned before the Police Justice, pleaded not guilty, and was committed for future hearing.

Proposals were received from the several gas companies for lighting the lamps of the city of Brooklyn for the year 1870. The prices averaged three dollars nor the year 1870. The prices averaged three dollars and twenty-five cents per 1,000 feet. The proposals were referred. A communication was received from the secretary of the colored folks' meeting, to be held at the Academy of Music in the evening, inviting the members of the Board to attend. The chair aunounced that the invitation was accepted, upon which Aldermen McGroarty, Elliott and Keating asked to be reported in the negative. The Board adjourned for one week.

The regular weekly session of the Brooklyn Board of Alderman was held yesterday afternoon, the president, Alderman Bergen, in the chair. In anpresident, Alderman Bergen, in the chair. In anticipation that the Mayor would submit the names of candidates for Police Commissioner for confirmation by the Common Council there was a very large audience at the commencement of the proceedings. The disinterested spectators were doomed to disappointment, however, as there were no nominations made. Permission was granted the Peoples' Gaslight Company to lay mains in all the public streets and to lurnish gas to the parks and public buildings. The Alderman of the Sixteenth ward presented a resolution to the effect that a committee be appointed to perfect arrangements for calebrating the Fourth of July.

omelais and the federal and State government. He also said that at a previous meeting held at his office on the 21st of March last a committee was appointed to draft a constitution and by-laws, and that said committee had reported. The Secretary then read the report, which was unanimously adopted. The following is the first section of the constitution: ion:-The object of this League shall be to defend its The object of this League shall be to defend its members against illegal and oppressive action on the part of the irresponsible government officials by instituting proceedings before the proper courts and making test cases of the same; to agliate the repeal and amendment of all laws which infrings upon the rights of its members as citizens and are obnoxious to the interest of the trade or the revenue. Also to agliate, advocate and further the interest of the trade in all acts and proposed action of the federal or State government. trade in all acts and proposed action of the federal or State goverment.

The same instrument also provides for, besides other officers, an executive committee of ten, who shall have charge of all the business of the league.

After some little talk Mr. John Schrymser was appointed president and Mr. Charies Beliams vice president. But six members could be obtained to act on theexecutive committee. The other four will be added at the next meeting.

The following are the names of those appointed:—
W. E. Booraem, Samuel F. Engs, R. W. Talior. J. S. Beecher, G. Nougaret and J. Lienau.

The meeting then adjourned